

#52374

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT of TEXAS

David Kardonik, John David, and Michael
Clemins, individually and on behalf of all
others similarly situated and the general public,

Plaintiffs

v.

JP Morgan Chase & Co, and Chase Bank USA,
N.A.

Defendants.

Case No. 10- CV-23235 (S.D. Florida)

CLASS ACTION

Assigned to:
Hoeveler

Senior U.S. District Court
NORTHERN DISTRICT OF TEXAS

FILED

AUG 29 2011

CLERK, U.S. DISTRICT COURT

By

Deputy

MOTION TO QUASH DEPOSITIONS

TO THE HONORABLE DISTRICT JUDGE:

COME NOW, Cindy Barginear and Katie Sibley a/k/a Mary K. Hiatt, Movants, and file
this their Motion to Quash their depositions and would respectfully show unto the Court the
following:

NO BASIS TO TAKE THE DEPOSITIONS

1. Cindy Barginear and Katie Sibley a/k/a Mary K. Hiatt are members of the Class.
Documents supporting their membership in the class were filed under seal on August 26, 2011.
2. Information requested by Class Counsel was provided on August 26, 2011, in an
email providing the last four digits of the credit card number, address and last four digits of the
Social Security Number for Cindy Barginear.
3. The undersigned drafted and otherwise prepared the Objection, document number
359, which had been filed.
4. The Court's Preliminary Approval Order, document numbers 23 and 24, directed
Objectors to submit their objections.

5. Cindy Barginear and Katie Sibley a/k/a Mary K. Hiatt's objections followed the Court's order and their grounds for objecting to settlement and stated their intention to appear either in person or through an attorney.

6. There is no question that Cindy Barginear and Katie Sibley a/k/a Mary K. Hiatt are members of the Class and that they have stated their grounds for objecting to the settlement.

7. Class Counsel have apparently decided to depose before the Fairness Hearing all individuals who objected to the settlement and who are represented by counsel, which deposition will gain no additional information.

8. The deposition notices have been issued not to gain any information but solely to harass anyone who has objected to the proposed settlement.

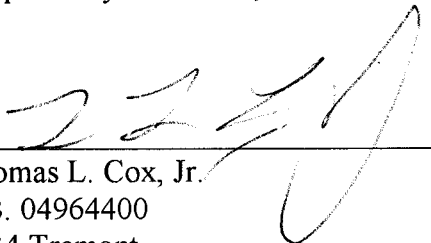
9. Cindy Barginear and Katie Sibley a/k/a Mary K. Hiatt have fully followed the court's Preliminary Approval order and should not be subjected to further harassment through the discovery process.

10. Objectors work. They cannot take the time off from work without notice to their employer. At least two weeks notice is necessary.

PRAYER

Movants request the Court to quash their depositions and for further relief as necessary.

Respectfully submitted,



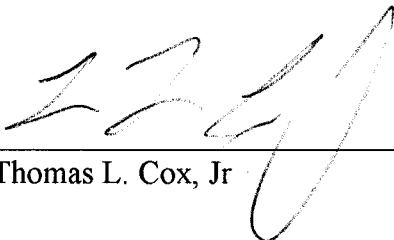
Thomas L. Cox, Jr.
S.B. 04964400
4934 Tremont
Dallas, TX 75214
(469) 531-3313 FAX: (214) 855-7878
tcx009@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document has been served upon the following by fax and regular mail on August 27, 2011:

Carney Williams Bates Bozeman & Pulliam, PLLC
11311 Arcade Drive, Suite 200
Little Rock, Arkansas 72212

Zachary Parks
Covington & Burling LLP
1201 Pennsylvania Avenue NW
Washington, DC 20004



Thomas L. Cox, Jr